

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**KENDRA BROWN, individually, and on  
behalf of all others similarly situated,**

**Plaintiff,**

**-against-**

**RUSH STREET GAMING, LLC;  
CAPITAL REGION GAMING, LLC d/b/a  
RIVERS CASINO & RESORT  
SCHENECTADY,**

**Defendants.**

**Case No. 1:22-cv-00392-DNH-DJS**

**PLAINTIFF'S NOTICE OF AND UNOPPOSED MOTION FOR  
FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT**

**PLEASE TAKE NOTE** that on January 19, 2023 at 1:00 p.m. EST in the Courtroom of the Honorable David N. Hurd, United States Judge for the Northern District of New York, located at the Alexander Prime Federal Building and U.S. Courthouse, 10 Broad Street, Utica, New York, 13501, Plaintiff will ask the Court to take up Plaintiffs' Motion for Final Approval of Class Action Settlement and Class Counsel's Motion for Attorneys' Fees and Expenses to Class Counsel, and a Service Award to Named Plaintiff (Doc. 35).

Accordingly, Plaintiff respectfully requests the Court grant Plaintiffs' Motion for Final Approval of Class Action Settlement and Class Counsel's Motion for Attorneys' Fees and Expenses to Class Counsel, and a Service Award to Named Plaintiff (Doc. 35) and order the following relief: (1) approve the Settlement Agreement (Doc. 33-1) and all of its terms as fair, reasonable, and adequate pursuant to Federal Rule of Civil Procedure 23(e); (2) award Class Counsel one-third of the common fund as attorneys' fees in the amount of \$1,833,150; (3) award Class Counsel reimbursement of advanced expenses from the common fund totaling \$33,542.59;

(4) approve a service award for Plaintiff Brown in the amount of \$7,500 from the common fund; and (5) for any other relief the Court deems appropriate under the circumstances. A proposed order is attached to the Declaration of Alexander T. Ricke as Exhibit 1 and will be sent to the Court's Chambers in Microsoft Word format for the Court's convenience.

Dated: January 6, 2023

Respectfully submitted,

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**CLASS COUNSEL**

**CERTIFICATE OF SERVICE**

Undersigned counsel hereby certifies that a true and correct copy of the foregoing was filed with the Court's CM/ECF system on January 6, 2023, which will effectuate service on all counsel of record.

/s/ Alexander T. Ricke

**CLASS COUNSEL**